IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

WEDNESDAY, THE 12TH JULY 2006 / 21ST ASHADHA,1928

Bail Appl..No. 3830 of 2006

CP.237/2005 of J.M.F.C.-I,NEYYATINKARA
(CRIME NO.361/2004 OF NEYYATTINKARA POLICE STATION)

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PETITIONER/1ST ACCUSED:

SHIBU, AGED 29 YEARS,
S/O. VASUDEVAN, MANALIVIAL VEEDU,
KAMUKINKODE, ATHIYANNOOR VILLAGE,
NEYYATTINKARA.

BY ADV. SRI.M.RAJAGOPALAN NAIR
SRI.G.BIJU

RESPONDENTS: COMPLAINANT:

SUB-INSPECTOR OF POLICE,
NEYYATTINKARA POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.3830/2006

DATED THIS THE 12TH DAY OF JULY, 2006

O R D E R

The petitioner is the first accused, in crime No.361/2004 of Neyyattinkara Police Station, for the offence punishable under Section 55(a) of the Abkari Act. It is alleged that on 6.6.2004, the Sub Inspector of Police, Neyyattinkara, seized 245 liters of spirit, kept in the shop of the second accused. On seizure of the contraband, the second accused was subsequently interrogated. He disclosed that the spirit was kept in his shop by the first accused, the petitioner herein. The matter is now pending as C.P.No.237/2005, on completion of the investigation. The petitioner is before this Curt, under Section 438 Cr.P.C.

2. The learned counsel prays that the petitioner is innocent and he may be released on bail, in the event of his arrest, or appear before the Court below.

3. The learned Public Prosecutor submitted

that the petitioner is habitually indulging in such activities in the area. He is having six other cases registered under the Abkari Act and therefore, on detection of the present crime, the petitioner was absconding from the area. The Public Prosecutor therefore, opposed the petition as well as the prayer for an order, under Section 438 Cr.P.C.

4. In the circumstances of this case, I direct the petitioner to surrender before the Judicial Magistrate of First Class-I, Neyyattinkara, and move an application for bail and the learned Magistrate is directed to dispose of the same, as per the law, on merit.

5. If the copy of the application is served to the prosecutor of that Court well in advance, let the disposal of the said application be on the same day itself.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs